

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRED DOUGLAS TRAVIS,

Petitioner,

v.

Civil No. 2:15-CV-13807
HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

JOSEPH BARRETT,

Respondent.

_____ /

ORDER GRANTING PETITIONER'S MOTION FOR PAUPER STATUS

On November 4, 2015, the Court summarily denied Petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 and denied Petitioner a certificate of appealability. Petitioner has now filed a motion to proceed *in forma pauperis* on appeal. For the reasons stated below, the motion for pauper status is granted.

Although the Court has denied a certificate of appealability to Petitioner, the standard for granting an application for leave to proceed *in forma pauperis* (IFP) is a lower standard than the standard for certificates of appealability. See *Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002)(citing *United States v. Youngblood*, 116 F. 3d 1113, 1115 (5th Cir. 1997)). Whereas a certificate of appealability may only be granted if petitioner makes a substantial showing of the denial of a constitutional right , a court may grant IFP status if it finds that an appeal is being taken in good faith. *Id.* at 764-65; 28 U.S.C. § 1915(a)(3); Fed. R.App.24 (a). "Good faith" requires a showing that the issues raised are not frivolous; it does not require a showing of probable

success on the merits. *Foster*, 208 F. Supp. 2d at 765. Although jurists of reason would not debate the court's resolution of Petitioner's claims, the issues are not frivolous; therefore, an appeal could be taken in good faith and petitioner may proceed *in forma pauperis* on appeal. *Id.*

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED that the "APPLICATION to Proceed without prepaying fees or costs on Appeal" [Dkt. # 6] is GRANTED.

Dated: March 23, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 23, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner
Deputy Clerk